REMARKS

The Office Action mailed May 10, 2004 has been carefully reviewed and the foregoing amendment and following remarks are made in consequence thereof.

Claims 1-20 are now pending in this application. Claims 1-20 stand rejected. Claims 1, 4 and 9 have been amended. No new matter has been added.

The rejection of Claims 1-20 under 35 U.S.C. § 103(a) as being unpatentable over Papadopoulos et al. (U.S. Pat. No. 6,282,454) in view of Purdy et al. (U.S. Pat. No. 6,658,254) is respectfully traversed.

Papadopoulos et al. describe a web server (30) that provides a direct connection for a programmable logic controller (PLC) (32) to the Internet (14) by plugging the web server into its back plane (34) (column 4, lines 21-24). All signals between the PLC and the web server are through the back plane rather than over a set of cables which would normally have to be coupled to input/output modules that are themselves plugged into the back plane (column 4, lines 25-29).

Purdy et al. describe a system including a portable intelligent device ("PID"), also known as a Personal Digital Assistant ("PDA") (column 1, lines 22-27). The PID allows a person to carry and access a wide variety of data, such as address and phone data, date book and scheduling information, expense data, e-mail messages, memoranda, to-do lists, etc. (column 1, lines 22-27). The system also includes a multimedia terminal ("MMT") (130) (column 3, lines 53-55). The multimedia terminal includes a processor (131) coupled to a memory (132), an IR port (137), and a network port (138) (column 3, lines 53-55). The PID can transmit a message to the multimedia terminal through a physical cable (e.g., wire, fiber, Universal Serial Bus ("USB") connection, serial port cable, etc.) connected to both the PID and the multimedia terminal, a physical joining of the PID and the multimedia terminal that establishes electrical connectivity between the two (e.g., via a docking station coupled to, or part of, the multimedia terminal and into which the PID is docked), or through a wireless

connection between the PID and the multimedia terminal (e.g., wireless LAN, wireless IP, wireless WAN, radio transmission, etc.) (column 4, lines 26-37).

Claim 1 recites a method for controlling and monitoring an industrial controller using a portable wireless device, utilizing a system including a programmable logic controller (PLC), a local server, and a wireless Internet Service Provider (ISP), the method comprising the steps of "monitoring and controlling a system using a programmable logic controller (PLC); exchanging communications between the PLC and a local server; exchanging communications between the local server and a wireless Internet Service Provider (ISP) server utilizing the Internet; transmitting, via a wireless ISP server, commands from a wireless user communication device to the PLC, wherein the PLC is configured to determine whether to energize an output module based on a state of an input module; and displaying information retrieved from the PLC using the wireless ISP server."

Neither Papadopoulos et al. nor Purdy et al., considered alone or in combination, describe or suggest a method for controlling and monitoring an industrial controller using a portable wireless device as recited in Claim 1. Specifically, neither Papadopoulos et al. nor Purdy et al., considered alone or in combination, describe or suggest transmitting, via a wireless ISP server, commands from a wireless user communication device to the PLC, where the PLC is configured to determine whether to energize an output module based on a state of an input module, and displaying information retrieved from the PLC using the wireless ISP server. Rather, in contrast to the present invention, Papadopoulos et al. describe providing a direct connection for a PLC to the Internet by plugging a web server connected to the Internet into a back plane. Purdy et al. describe providing a wireless connection between a multimedia terminal and a PID. The PID allows a person to carry and access a wide variety of data, such as address and phone data, date book and scheduling information, expense data, e-mail messages, memoranda, to-do lists. The multimedia terminal includes a processor coupled to a memory, an IR port, and a network port. Accordingly, no combination of Papadopoulos et al. and Purdy et al. describes or suggests transmitting, via the wireless ISP server, commands from a wireless user communication device to the PLC, where the PLC is configured to determine whether to energize an output module based on a state of an input

module. For at least the reasons set forth above, Claim 1 is patentable over Papadopoulos et al. in view Purdy et al.

Claims 2-8, 19 and 20 depend, directly or indirectly, from independent Claim 1. When the recitations of Claims 2-8, 19 and 20 are considered in combination with the recitations of Claim 1, Applicant submits that dependent Claims 2-8, 19 and 20 likewise are patentable over Papadopoulos et al. in view Purdy et al.

Claim 9 recites a system for controlling and monitoring an industrial controller using a wireless device, the system comprising "a programmable logic controller (PLC); a local server configured to exchange communication with said PLC; a wireless Internet Service Provider (ISP) server configured to exchange communication with said local server using the Internet; and a wireless user communication device configured to exchange communication with said wireless ISP server, wherein said PLC configured to exchange communication via said wireless ISP server with said wireless user communication device and configured to determine whether to energize an output module based on a state of an input module."

Neither Papadopoulos et al. nor Purdy et al., considered alone or in combination, describe or suggest a system for controlling and monitoring an industrial controller using a wireless device as recited in Claim 9. Specifically, neither Papadopoulos et al. nor Purdy et al., considered alone or in combination, describe or suggest a wireless user communication device configured to exchange communication with the wireless ISP server, where the PLC configured to exchange communication via the wireless ISP server with the wireless user communication device and configured to determine whether to energize an output module based on a state of an input module. Rather, in contrast to the present invention, Papadopoulos et al. describe a PLC connected to the Internet by plugging a web server into a back plane. Purdy et al. describe a PID connected to a multimedia terminal via a wireless connection. The PID allows a person to carry and access a wide variety of data, such as address and phone data, date book and scheduling information, expense data, e-mail messages, memoranda, to-do lists. Accordingly, no combination of Papadopoulos et al. and Purdy et al. describes or suggests the PLC configured to exchange communication via the wireless ISP server with the wireless user communication device and configured to determine

whether to energize an output module based on a state of an input module. For at least the reasons set forth above, Claim 1 is patentable over Papadopoulos et al. in view Purdy et al.

Claims 10-18 depend from independent Claim 9. When the recitations of Claims 10-18 are considered in combination with the recitations of Claim 9, Applicant submits that dependent Claims 10-18 likewise are patentable over Papadopoulos et al. in view Purdy et al.

Moreover, Applicant respectfully submits that the Section 103 rejection of Claims 1-20 is not a proper rejection. As is well established, obviousness cannot be established by combining the teachings of the cited art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combination. Neither Papadopoulos et al. nor Purdy et al., considered alone or in combination, describe or suggest the claimed combination. Furthermore, in contrast to the assertion within the Office Action, Applicant respectfully submits that it would not be obvious to one skilled in the art to combine Papadopoulos et al. with Purdy et al. because there is no motivation to combine the references suggested in the art.

As the Federal Circuit has recognized, obviousness is not established merely by combining references having different individual elements of pending claims. Ex parte Levengood, 28 U.S.P.Q.2d 1300 (Bd. Pat. App. & Inter. 1993). MPEP 2143.01. Rather, there must be some suggestion, outside of Applicant's disclosure, in the prior art to combine such references, and a reasonable expectation of success must be both found in the prior art, and not based on Applicant's disclosure. In re Vaeck, 20 U.S.P.Q.2d 1436 (Fed. Cir. 1991). In the present case, neither a suggestion or motivation to combine the prior art disclosures, nor any reasonable expectation of success has been shown.

Furthermore, it is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the cited art so that the claimed invention is rendered obvious. Specifically, one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the art to deprecate the claimed invention. Further, it is impermissible to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such

reference fairly suggests to one of ordinary skill in the art. The present Section 103 rejection is based on a combination of teachings selected from multiple patents in an attempt to arrive at the claimed invention. Specifically, Papadopoulos et al. is cited for describing a PLC connected to the Internet by plugging a web server into a back plane and Purdy et al. is merely cited for describing a PID connected to a multimedia terminal via a wireless connection. The PID allows a person to carry and access a wide variety of data, such as address and phone data, date book and scheduling information, expense data, e-mail messages, memoranda, to-do lists. Since there is no teaching nor suggestion in the cited art for the combination, the Section 103 rejection appears to be based on a hindsight reconstruction in which isolated disclosures have been picked and chosen in an attempt to deprecate the present invention. Of course, such a combination is impermissible, and for this reason alone, Applicant's request that the Section 103 rejection of Claims 1-20 be withdrawn.

For at least the reasons set forth above, Applicants respectfully request that the rejection of Claims 1-20 under 35 U.S.C. 103(a) be withdrawn.

In view of the foregoing remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,

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